

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

VINCENT ELLIOT WILSON,  
Plaintiff,

v.

Civil Action No. 3:22cv385 (DJN)

BETH ARTHUR, *et al.*,  
Defendants.

**MEMORANDUM OPINION**

Plaintiff, a Virginia inmate proceeding *pro se*, submitted this action 42 U.S.C. § 1983.<sup>1</sup> By Memorandum Order entered on August 26, 2022, the Court directed Plaintiff to submit a particularized complaint and provided Plaintiff with specific instructions for filing a particularized complaint. (ECF No. 23.) The Court informed Plaintiff that: “The particularized pleading will supplant the prior complaints. The particularized pleading must stand or fall of its own accord. Plaintiff may not reference statements in the prior complaints.” (*Id.* at 2.) Nevertheless, on September 8, 2022, Plaintiff filed two distinct documents labeled, “PARTICULARIZED COMPLAINT FOR CIVIL ACTION NUMBER 3:22CV385.” (ECF No. 24, at 1; ECF No. 25, at 1.)

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<sup>1</sup> That statute provides, in pertinent part:


Every person who, under color of any statute . . . of any State . . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law.

42 U.S.C. § 1983.

By Memorandum Order entered on November 8, 2022, the Court informed Plaintiff that his Particularized Complaints filed on September 8, 2022 would receive no further consideration. (ECF No. 29, at 2.) The Court directed Plaintiff, within thirty (30) days of the date of entry thereof “to submit **a single, particularized complaint** that contains all of his claims in conformance with the with the following directions and in the order set forth below.” (*Id.* (emphasis added).) The Court warned Plaintiff that the “**FAILURE TO COMPLY WITH THE FOREGOING DIRECTIONS WILL RESULT IN THE DISMISSAL OF THE ACTION.**” (*Id.*) On November 23, 2023, Plaintiff again submitted two distinct documents labeled, “PARTICULARIZED COMPLAINT FOR CIVIL ACTION NUMBER 3:22CV385.” (ECF No. 30, at 1; ECF No. 31, at 1.) Plaintiff’s willful failure to follow the Court’s explicit direction to file a single particularized complaint warrants the dismissal of the action. *See Ballard v. Carlson*, 882 F.2d 93, 96 (4th Cir. 1989) (affirming dismissal after explicit warning that failure to follow the court’s instructions would result in dismissal). Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Final Order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.

/s/   
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David J. Novak  
United States District Judge

Richmond, Virginia  
Dated: April 19, 2023